

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

COPY

4 -----X
5 LEIGHTON TECHNOLOGIES LLC,

6 Plaintiff,

7 Civil Action No.

8 -against-

04 CV 2496

(CM) (LMS)

9 OBERTHUR CARD SYSTEMS, S.A.,

10 Defendant.
11 -----X

12 November 22, 2005

13 12:30 p.m.

14 Deposition of BARRY MOSTELLER, taken by
15 Plaintiff, pursuant to notice, at the offices of
16 Sutherland Asbill & Brennan, 1114 Avenue of the
17 Americas, New York, New York, before Tracy
18 Eckhoff, a Shorthand Reporter and Notary Public
19 within and for the State of New York.
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1 BARRY MOSTELLER

2 A. In what time frame?

3 Q. Tell me when you believe you first
4 qualified as one of ordinary skill in this art.

5 MR. GASPARO: Objection.

6 A. It's not an easy question for me to
7 answer. Honestly, I don't know if I could give
8 you a specific date.

9 Q. But you have provided a fairly
10 specific definition here of your view of the
11 qualifications of one of ordinary skill in the
12 art. How did you come up with this definition?

13 MR. GASPARO: Objection.

14 A. It was my opinion that if you had four
15 years of skill in lamination, you would have
16 experienced a broad range of materials and
17 issues. Of course, you would never see
18 everything. You never will, but you would have
19 experienced a broad enough range of issues and
20 happenings that you would achieve that level.

21 Q. When was --

22 A. Some people would achieve that level.

23 Q. When was the first time that you can
24 recall -- and I know you said you're not good
25 with years -- that you were involved in either

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BARRY MOSTELLER

supervising or working on the manufacture of a
contactless card?

MR. GASPARO: Objection.

Q. You can estimate. I know it was
probably a while ago.

MR. GASPARO: The objection stands.

A. Contactless card?

Q. Yes.

A. I believe it was 2002.

Q. Had you had any type of dealings with
the lamination of chips into plastic cards prior
to 2002?

MR. GASPARO: Objection.

A. No.

Q. Would you feel comfortable rendering
your view on things that occurred before 2002
that related to the manufacture of contactless
cards?

MR. GASPARO: Objection.

A. I would be happy to render my view of
the lamination cycle and how it relates to
putting different items into layers in cards. I
have not specifically done a chip prior to 2002.

Q. Let me direct your attention to